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FCC Mailroom

First in Communications

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Feb 21, 2017

Mr. Scot Stone
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Subject: Waiver request for IC-M802 Class E MF/HF radio

Dear Mr. Stone

I am writing this letter on behalf of Icom America Inc. as well as the safety of thousands of maritime cruisers.

Icom America Inc. would like to request a waiver for our Single Side Band radio model IC-M802. The IC-M802 is a MF/HF radio with Class E DSC as shown in Annex 2, Section 5 of ITU-RM493-13.

The FCC ruling stated that all DSC radios needed to comply fully with ITU-RM493-13.

The IC-M802 has been available from Icom America Inc. for more than 10 years and when Icom America Inc. submitted the IC-M802 to the FCC, the current version of the standard was ITU-RM493-11, which is older version of ITU standard. Unfortunately this older version of ITU standard did not contain Annex 4. The IC-M802 was fully compliant with this older version standard.

After the IC-M802 was submitted, the commission updated the standard to ITU-RM493-13, which contained additional requirements in Annex 4. However the IC-M802 was designed to meet the older version of ITU standard and with the current design and age of the IC-M802, the radio does not support Annex 4 compliance.

The IC-M802 has been reliably fulfilling our maritime customers need for communications, safety and weather information during that whole period until the commission's ruling.

As you are aware, Icom received the attached Consent Decree, DA-16-597A1, which was specifically for Class D VHF DSC radios, and it pointed out following non-compliance's of our Class D VHF radios.

ITU-RM493-13, annex 4:

- 3.2.2.1 Display of elapsed time
The elapsed time since sending the initial DSC message should be displayed or after the automated procedure has received a requested acknowledgment, the elapsed time since acknowledgement should be displayed. Receiving repeat acknowledgments should not affect the time display.
- 3.2.2.2.1 If no acknowledgement is requested the option to resend the initial DSC message should remain available until the procedure is terminated.
- 3.2.2.2.2 If an acknowledgement is requested the option to resend the initial DSC message should remain available until the acknowledgment has been received.



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As the IC-M802 was designed to meet the older version of ITU standard and with the current design and age of the IC-M802, the radio does not support Annex 4 compliance, including above noncompliance items in DA-16-597A1 as well as SOLAS requirement of "Automated procedure run in parallel".

Since the commission's rule Icom has voluntarily decided stop production of the IC-M802. As a result of this we have received numerous complaints from End Users, Government agencies and the US coast guard about the unavailability of the IC-M802 radio.

Icom America Inc is, therefore, politely requesting the FCC grant the IC-M802 a waiver for sections 80.225(a)(4) and 80.1101(c)(4)(ii) of the commission's rule that specifies full compliance of ITU-RM493-13.

Waiving these rules would be in the public's interest, specifically the end users who operate a cruising vessel as they need to obtain communication, safety and weather information from HF radio during an ocean voyage. Unfortunately, GMDSS MF/HF radio equipment currently will cost more than \$5000, and is too expensive for the general user since they are not required to carry SOLAS equipment.

Icom is the only manufacture that produced Class E radio equipment at a price point that the general users could afford and rely on. Since Icom stopped production of the IC-M802 the only real affordable alternative to MF/HF radio when cruising far ocean voyages is now the satellite phone. Satellite phones communicate on a 1 to 1 basis, so distress calls will not be heard by surrounding boats. Another major safety issue with satellite phones is their reliability during a storm, satellite phones perform very badly in heavy rain and most likely that is the time you will need to communicate the most urgently.

Icom America Inc. sold roughly 1000 M802 radios per year, we and the users that have contacted us directly believe that potentially can result in many deaths over the next few years if the waver is not granted.

We are not asking for a permanent waiver, we request just enough time for our engineers to develop a new SSB radio that has the capability to be compliant to the new regulations. We expect that radio will be available by 2020, and therefore respectfully request that a limited time waiver be granted until that date.

Respectfully Yours

A handwritten signature in black ink, appearing to read "Nick", followed by a long horizontal line.

Nick Pennance
Vice President
Icom America Inc.